

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MOHAMMED EL AALAOUI,

Plaintiff,

-v-

LUCKY STAR GOURMET DELI INC. ET AL,

Defendants.  
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19-cv-0773 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Under Federal Rule of Civil Procedure 55, the Court may enter a default judgment against a party who has failed to appear.

Pursuant to that authority, the Court has examined Plaintiff's Motion for Default Judgment (Dkt. No. 37), Plaintiff's Affidavit in Support of the Motion for Default Judgment (Dkt. No. 39), the two Declarations of Mohammed Gangat, Esq. in Support of the Motion for Default Judgment (Dkt. Nos. 38, 45), and the Complaint (Dkt. No. 1).

The Court is satisfied by those papers that:

- defendants Lucky Star Gourmet Deli Inc., 305 Grocery Deli Corp., Omar Allhabi and Hamdi Allhabi were properly served and have failed to appear and that Clerk's Certificate of Default (Dkt. No. 23) was properly entered;
- the well-pleaded allegations of the Complaint establish personal jurisdiction over each of the defaulting defendants and violations of the Fair Labor Standards Act ("FLSA") and the New York Labor Law ("NYLL");
- the Court can enter a damages award in the amounts set forth below without need for a hearing, and the Court awards the following damages for the reasons set forth in the Declarations of Mohammed Gangat, Esq. in Support of the Motion for Default Judgment (Dkt. Nos. 38, 45) and the remaining papers cited above.

Today, as scheduled, the Court convened a hearing on the motion for default judgment at which no defendant appeared.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff Mohammed El Aalaoui shall have judgement against the defendants Lucky Star Gourmet Deli Inc., 305 Grocery Deli Corp., Omar Allhabi, and Hamdi Allhabi, jointly and severally, in the amounts of \$231,660 representing unpaid wages and liquidated damages due under the FLSA and NYLL, plus an

additional amount of prejudgment interest on the unpaid wages portion of that amount, which is \$115,830, said interest to accrue at the statutory rate of 9% (or stated differently \$28.56 per day) from July 5, 2017, through the date of this judgment, for a total prejudgment interest award of \$29,016.96; \$10,000 in statutory penalties for violations of New York's Wage Theft Prevention Act; and \$4,715 in prevailing party attorney's fees and expenses under the FLSA and NYLL.

The Clerk of Court is respectfully directed to terminate all pending motions and close the case.

SO ORDERED.

Dated: April 16, 2020  
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', written over a horizontal line.

LEWIS J. LIMAN  
United States District Judge